THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 11624 of 2007

Dated: 07.06.2007

Between:

D. Srinivasulu and another.

..... PETITIONERS

AND

The Regional Manager, Regional office,
Syndicate Bank, 16/32, Jonnalagaddavari Street,
Nellore and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 11624 of 2007

Order:

The present writ petition is filed seeking a Mandamus declaring the action of the respondents in not considering the case of the petitioners for the post of Attender in the Bank of the 1st respondent, as illegal and arbitrary, and consequently to direct the 1st respondent-Bank to consider the case of the petitioners for the post of Attender without insisting that their names should be sponsored by the 2nd respondent-Employment Exchange.

When the matter is taken up for admission, it is submitted by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by a judgment of the apex Court in ***Excise Supdt. Malkapatnam V., K.B.N. Visweshwara Rao***[1].

In the said case, the apex Court, having considered similar issue, held that restricting the selection only to the candidates sponsored by employment exchange is not proper. The operative portion of the said judgment reads thus:

> "Having regard to the respective contentions, we are of the view that contention of the respondents is more acceptable which would be consistent with the principles of fair play, justice and equal opportunity. It is common knowledge that many a candidate is unable to have the names sponsored, though their names are either registered or are waiting to be registered in the employment exchange, with the result that the choice of selection is restricted to only such of the candidates whose names come to be sponsored by the employment exchange. Under these circumstances, many a deserving candidate is deprived of the right to be considered for appointment to a post under the State. Better view appears to be that it should be mandatory for the requisitioning authority/establishment to intimate the employment exchange and employment exchange

> should sponsor the names of the candidates to the requisitioning departments for selection strictly according to seniority and reservation, as per requisition. In addition, the appropriate department or undertaking or establishment should call for the names by publication in the newspapers having wider circulation and also display on their office notice boards or announce on radio, television and employment news bulletins; and then consider the cases of all the candidates who have applied. If this procedure is adopted, fair play would be subserved. The equality of opportunity in the matter of employment would be available to all eligible candidates."

Inasmuch as it is the case of the petitioners that they have not been called for interview because their names are not sponsored by the employment exchange, and having regard to the fact that restricting the selection only to the candidates, whose names have been sponsored by the employment exchange is bad, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents are directed to consider the cases of the petitioners also for appointment to the post of Attender, along with the candidates sponsored by the employment exchange.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Date: 07.06.2007
Note:
Issue CC today
(B/O)
Nsr

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1 (1996) 6 Supreme Court Cases 216